

1 **HAROLD M. JAFFE, ESQ.**

CASB #57397

2 3521 Grand Avenue

Oakland, CA 94610

3 T: (510) 452-2610/F: (510) 452-9125

4 Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as
Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and
5 Harold M. Jaffe, In Pro Per

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
(San Francisco Division)

8 ALISE MALIKYAR and ROBERT
JACOBSEN,

9 Plaintiffs,

10 vs.

11 JOHN SRAMEK, BERNADETTE
12 SRAMEK, HAROLD M. JAFFE, John S.
Sramek, Jr. and Bernadette D. Sramek
13 Revocable Living Trust, and DOES 1 -
100,

14 Defendants.
15 _____/

CASE NO. C07-03533 WHA

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED [FRCP 12(b)(6)];
OR IN THE ALTERNATIVE, A MOTION FOR
SUMMARY JUDGMENT [FRCP 56]**

DATE: March 13, 2008

TIME: 8:00 a.m.

CTRM: 9 - Hon. William Alsup

16 Defendants, John Sramek, Bernadette Sramek, individually and as Trustees of the John S.
17 Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust, and Harold M. Jaffe, hereby request
18 the Court take judicial notice of the following:


19 **EXHIBIT A:** Complete docket from case styled Robert Edwin Jacobsen, Debtor, United
20 States Bankruptcy Court for the Eastern District of Texas, Sherman Division,
21 Case No. 07-41092, as of February 7, 2008.

22 **EXHIBIT B:** Order Denying Motion for Rehearing filed on January 30, 2008, in case
23 styled Robert Edwin Jacobsen, Debtor, United States Bankruptcy Court for
24 the Eastern District of Texas, Sherman Division, Case No. 07-41092.

25 **EXHIBIT C:** Facesheet of Statement of Financial Affairs, attached to which is Section No.
26 4 "Suits and Administrative Proceedings, Executions, Garnishments and
27 Attachments, filed on June 25, 2007, in case styled Robert Edwin Jacobsen,
28 Debtor, United States Bankruptcy Court for the Eastern District of Texas,

Sherman Division, Case No. 07-41092.

DATED: February 7, 2008


HAROLD M. JAFFE, ESQ., Attorney for Defendants, JOHN
SRAMEK, BERNADETTE SRAMEK, individually and as Trustees
of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living
Trust, and Harold M. Jaffe, In Pro Per

FinMgmtDue, CONVERTED

**United States Bankruptcy Court
Eastern District of Texas (Sherman)
Bankruptcy Petition #: 07-41092**

Assigned to: Honorable Brenda T. Rhoades
Chapter 7
Previous chapter 13
Voluntary
No asset

Date Filed: 05/25/2007
Date Converted: 12/05/2007

Debtor

Robert Edwin Jacobsen
101 CN Freenville Rd.
No. 259
Allen, TX 75002
SSN: xxx-xx-2723

represented by **William Paul Rossini**
Rossini & Wagner PC
1201 Main Street
Suite 2470
Dallas, TX 75202
(214) 979-7321
Fax : (214) 979-7301
Email:
williamp@rossiniwagner.com

Trustee

Janna L. Countryman
P. O. Box 941166
Plano, TX 75094-1166
(972) 943-2580
TERMINATED: 12/05/2007

Trustee

Christopher Moser
2001 Bryan Street, Suite 1800
Dallas, TX 75201
(214) 880-1805

represented by **Larry A. Levick**
Singer & Levick, P.C.
16200 Addison Rd.
Suite 140
Addison, TX 75001
(972) 380-5533
Fax : (972) 380-5748
Email:
levick@singerlevick.com

U.S. Trustee

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702
(903) 590-1450

represented by **Marcus Salitore**
US Trustee Office
110 N. College Ave., Room
300
Tyler, TX 75702
903-590-1450
Email:
marc.f.salitore@usdoj.gov

EXHIBIT A

Filing Date	#	Docket Text
05/25/2007	<u>1</u>	Chapter 13 Voluntary Petition and Notice to Individual Consumer Debtors. Without Schedules, Statements, and all other required documents Without Plan Filed by Robert Edwin Jacobsen Document Due 5/30/2007.(Rossini, William) (Entered: 05/25/2007)
05/25/2007		Receipt of Voluntary Petition (Chapter 13)(07-41092) [misc,volp13a] (274.00) filing fee. Receipt number 3529249, amount \$ 274.00. (U.S. Treasury) (Entered: 05/25/2007)
05/25/2007	<u>2</u>	Certificate of Credit Counseling for Debtor Filed by Robert Edwin Jacobsen (Rossini, William) (Entered: 05/25/2007)
05/25/2007	<u>3</u>	(Docketed in Error - Wrong Event - See Doc#4 for Correction") Certification of Attorneys Fees Filed by Robert Edwin Jacobsen (Rossini, William) Modified on 5/29/2007 (bl,). (Entered: 05/25/2007)
05/25/2007	<u>4</u>	Disclosure of Compensation of Attorney for Debtor Amount Charged \$ \$3,000 Amount Paid \$ \$3,000 Filed by Robert Edwin Jacobsen (Rossini, William) (Entered: 05/25/2007)
05/25/2007	<u>5</u>	Notice to Individual Consumer Debtor Under Sec. 342(b) of the Bankruptcy Code Filed by Robert Edwin Jacobsen (Rossini, William) (Entered: 05/25/2007)
05/25/2007	<u>6</u>	Employee Income Records ; <i>Proof of Income for Self-employed Debtor</i> Filed by Robert Edwin Jacobsen (Rossini, William) (Entered: 05/25/2007)
05/25/2007	<u>7</u>	Disclosure of Compensation of Attorney for Debtor Amount Charged \$ 3,000.00 Amount Paid \$ 3,000.00 Filed by William P. Rossini. (bl,) (Entered: 05/29/2007)
06/04/2007		Declaration for Electronic Filing of Bankruptcy Petition, Lists, Statements, and Schedules In Re: (RE: related document(s) <u>1</u> Chapter 13 Voluntary Petition filed by Debtor Robert Edwin Jacobsen). (bl,) (Entered: 06/04/2007)
06/07/2007	<u>8</u>	Notice of Appearance by (Attorney: Joe Lozano) Filed by CitiMortgage, Inc. (Lozano, Joe) (Entered: 06/07/2007)
06/07/2007	<u>9</u>	Request for Notices Filed by John Sramek (Lewis, John) (Entered: 06/07/2007)
06/19/2007	<u>10</u>	Motion to Extend Time to File Schedules, Statements and Other

		Required Documents Filed by Robert Edwin Jacobsen (Attachments: # <u>1</u> Proposed Order Granting Motion to Extend Time for Filing Schedules, Statement of Affairs, etc.) (Rossini, William) (Entered: 06/19/2007)
06/20/2007		First Meeting of Creditors Filed by Janna L. Countryman 341(a) meeting to be held on 7/20/2007 at 01:30 PM at Plano 341 Meeting Room. Proofs of Claims due by 10/18/2007. Last day to oppose dischargeability is 9/18/2007. Confirmation hearing to be held on 8/29/2007 at 09:30 AM at Plano Bankruptcy Courtroom. (Countryman, Janna) (Entered: 06/20/2007)
06/22/2007	<u>11</u>	Order Granting Debtor's Motion for Extension Time to File Schedules, Statements and Other Required Documents (Initial Request) (RE: related document(s) <u>10</u> Motion to Extend Time to File Schedules, Statements and Other Required Documents filed by Debtor Robert Edwin Jacobsen). Schedules A-J due 6/25/2007. Chapter 13 Plan due by 6/25/2007. (bl,) (Entered: 06/22/2007)
06/22/2007	<u>12</u>	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) First Meeting of Creditors Filed by Janna L. Countryman 341(a) meeting to be held on 7/20/2007 at 01:30 PM at Plano 341 Meeting Room. Proofs of Claims due by 10/18/2007. Last day to oppose dischargeability is 9/18/2007. Confirmation hearing to be held on 8/29/2007 at 09:30 AM at Plano Bankruptcy Courtroom. (Countryman, Janna) filed by Trustee Janna L. Countryman). Service Date 06/22/2007. (Admin.) (Entered: 06/23/2007)
06/24/2007	<u>13</u>	Certificate Of Mailing (RE: related document(s) <u>11</u> Order Granting Debtor's Motion for Extension Time to File Schedules, Statements and Other Required Documents (Initial Request) (RE: related document(s) <u>10</u> Motion to Extend Time to File Schedules, Statements and Other Required Documents filed by Debtor Robert Edwin Jacobsen). Schedules A-J due 6/25/2007. Chapter 13 Plan due by 6/25/2007. (bl,)). Service Date 06/24/2007. (Admin.) (Entered: 06/24/2007)
06/25/2007	<u>14</u>	Notice of Missing Documents to Individual Debtor (Schedules and Statement, Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form B23). (RE: related document(s) <u>1</u> Chapter 13 Voluntary Petition filed by Debtor Robert Edwin Jacobsen). (bl,) (Entered: 06/25/2007)
06/25/2007	<u>15</u>	Chapter 13 Plan Filed by Robert Edwin Jacobsen (RE: related document(s) <u>11</u> Order Granting Debtor's Motion for Extension Time to File Schedules, Statements and Other Required Documents (Initial Request) (RE: related document(s) <u>10</u> Motion to Extend Time to File Schedules, Statements and Other Required Documents filed by

		Debtor Robert Edwin Jacobsen). Schedules A-J due 6/25/2007. Chapter 13 Plan due by 6/25/2007. (bl,). (Rossini, William) (Entered: 06/25/2007)
06/25/2007	<u>16</u>	Original Schedules: Schedule A, Schedule B, Schedule C, Schedule D, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I, Schedule J,. Filed by Robert Edwin Jacobsen Document Due 7/2/2007. (Rossini, William) (Entered: 06/25/2007)
06/25/2007	<u>17</u>	Statement of Financial Affairs Filed by Robert Edwin Jacobsen Document Due 7/2/2007. (Rossini, William) (Entered: 06/25/2007)
06/25/2007	<u>18</u>	Chapter 13 Statement of Current Monthly and Disposable Income Filed by Robert Edwin Jacobsen Document Due 7/2/2007. (Rossini, William) (Entered: 06/25/2007)
06/27/2007		Declaration for Electronic Filing of Amended Petition, Original/Amended Bankruptcy Statements and Schedules, and/or Amended Master Mailing List (Matrix)In Re: (RE: related document (s)) <u>17</u> Statement of Financial Affairs <u>18</u> Chapter 13 Statement of Current Monthly and Disposable Income <u>16</u> Original Schedules: Schedule A, Schedule B, Schedule C, Schedule D, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I, Schedule J, filed by Debtor Robert Edwin Jacobsen). (bl,) (Entered: 06/27/2007)
06/27/2007	<u>19</u>	Certificate Of Mailing (RE: related document(s)) <u>14</u> Notice of Missing Documents to Individual Debtor (Schedules and Statement, Certification of Completion of Instructional Course Concerning Personal Financial Management (Official Form B23). (RE: related document(s)) <u>1</u> Chapter 13 Voluntary Petition filed by Debtor Robert Edwin Jacobsen). (bl,). Service Date 06/27/2007. (Admin.) (Entered: 06/28/2007)
07/03/2007	<u>20</u>	Request for Notices Filed by Saxon Mortgage (Margolf, Michael) (Entered: 07/03/2007)
07/22/2007	<u>21</u>	Notice of Appearance by (Attorney: John E. Johnson) , Request for Notices Filed by Timothy E. Carlson, C.P.A., a professional corporation (Johnson, John) (Entered: 07/22/2007)
07/23/2007	<u>22</u>	Creditors' Application for Rule 2004 Examination of Roger S. Moore Filed by John Sramek (Attachments: # <u>1</u> Proposed Order) (Lewis, John) Modified on 7/24/2007 (bl,). (Entered: 07/23/2007)
07/23/2007	<u>23</u>	Creditors' Application for Rule 2004 Examination of Custodian of Records for Quality Power & Sail, LLC Filed by John Sramek (Attachments: # <u>1</u> Proposed Order) (Lewis, John) Modified on

		7/24/2007 (bl,). (Entered: 07/23/2007)
07/27/2007	<u>24</u>	Adversary case 07-04134. (72 (Injunctive relief - other)): filed by Janna L. Countryman against Robert Edwin Jacobsen, ALISE MALIKYAR. (Attachments: # <u>1</u> Summons # <u>2</u> Summons) (Countryman, Janna) (Entered: 07/27/2007)
07/30/2007		First Meeting of Creditors Not Held <i>and to be reset</i> Filed by Janna L. Countryman (Countryman, Janna) (Entered: 07/30/2007)
07/31/2007	<u>25</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - SEE CASE 07-4134 DOC. 6 FOR CORRECTION: Certificate of Notice of <i>Hearing on Complaint for Temporary Restraining Order</i> Filed By Janna L. Countryman Filed by on behalf of Janna L. Countryman (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)
07/31/2007	<u>26</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - PLEASE SEE CASE 07-4134 DOC. 7 FOR CORRECTION: Summons Service Executed on ALISE MALIKYAR 7/31/2007 . (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)
07/31/2007	<u>27</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - SEE CASE 07-4134 DOC. 8 FOR CORRECTION: Summons Service Executed on Alise Malikyar 7/31/2007 . (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)
07/31/2007	<u>28</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - SEE CASE 07-4134 DOC. 9 FOR CORRECTION: Summons Service Executed on Alise Malikyar 7/31/2007 . (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)
07/31/2007	<u>29</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - PLEASE SEE CASE 07-4134 DOC. 10 FOR CORRECTION: Summons Service Executed on Robert Edwin Jacobsen 7/31/2007 . (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)
07/31/2007	<u>30</u>	DOCKETED IN ERROR - ERRONEOUSLY CAPTIONED PLEADING - SEE CASE 07-4134 DOC. 6 FOR CORRECTION: Certificate of Notice <i>Hearing on Complaint for Temporary Restraining Order</i> Filed By Janna L. Countryman Filed by on behalf of Janna L. Countryman (Countryman, Janna) Modified on 8/1/2007 (lc,). (Entered: 07/31/2007)

08/01/2007	<u>31</u>	Creditors' Application for Examination of Alise Malikyar Under Rule 2004 Filed by John Sramek (Attachments: # <u>1</u> Exhibit Exs A and B to Application# <u>2</u> Proposed Order) (Lewis, John) Modified on 8/2/2007 (bl,). (Entered: 08/01/2007)
08/02/2007	<u>32</u>	FILED IN ERROR - SEE DOC. 33 FOR CORRECTION. motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # <u>1</u> Proposed Order) (Countryman, Janna) Modified on 8/2/2007 (lc,). (Entered: 08/02/2007)
08/02/2007	<u>33</u>	Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # <u>1</u> Proposed Order) (Countryman, Janna) (Entered: 08/02/2007)
08/02/2007		Receipt Number 40048267, Fee Amount:25 (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (jc,) (Entered: 08/02/2007)
08/02/2007	<u>34</u>	Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # <u>1</u> Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) (Entered: 08/02/2007)
08/03/2007	<u>35</u>	Objection Filed by Janna L. Countryman (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Countryman, Janna) (Entered: 08/03/2007)
08/06/2007		Hearing Set (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen. Hearing scheduled for 9/12/2007 at 02:00 PM at Plano Bankruptcy Courtroom. (th,) (Entered: 08/06/2007)
08/07/2007	<u>36</u>	Order Dismissing Pleading Without Prejudice (RE: related document (s) <u>22</u> Creditors' Application for Rule 2004 Examination of Roger S. Moore filed by Creditor John Sramek). (bl,) (Entered: 08/07/2007)
08/07/2007	<u>37</u>	Order Dismissing Pleading Without Prejudice (RE: related document (s) <u>23</u> Creditors' Application for Rule 2004 Examination of Custodian of Records for Quality Power & Sail, LLC filed by Creditor John Sramek). (bl,) (Entered: 08/07/2007)
08/08/2007	<u>38</u>	WITHDRAWN: Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) Modified on 8/13/2007 (lc,). (Entered: 08/08/2007)

		08/08/2007)
08/08/2007	<u>39</u>	Request for Expedited Hearing on Motion to Sell Real Property Filed by Robert Edwin Jacobsen (RE: related document(s) <u>38</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Attachments: # <u>1</u> Proposed Order Granting Expedited Hearing on Motion to Sell Real Property) (Rossini, William) (Entered: 08/08/2007)
08/08/2007	<u>40</u>	WITHDRAWN: Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) Modified on 8/13/2007 (lc,). (Entered: 08/08/2007)
08/08/2007	<u>41</u>	Request for Expedited Hearing on Motion to Sell Real Property Filed by Robert Edwin Jacobsen (RE: related document(s) <u>40</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Attachments: # <u>1</u> Proposed Order Granting Motion for Expedited Hearing on Motion to Sell Real Property) (Rossini, William) (Entered: 08/08/2007)
08/08/2007	<u>42</u>	Certificate Of Mailing (RE: related document(s) Hearing Set (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen. Hearing scheduled for 9/12/2007 at 02:00 PM at Plano Bankruptcy Courtroom. (th.)). Service Date 08/08/2007. (Admin.) (Entered: 08/09/2007)
08/09/2007		Hearing Set <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen , <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen Hearing scheduled for 8/14/2007 at 11:45 AM at Plano Bankruptcy Courtroom. (sr,) (Entered: 08/09/2007)
08/09/2007	<u>43</u>	Order Granting Expedited Hearing on Motion to Sell Real Property (RE: related document(s) <u>39</u> Request for Expedited Hearing on Motion to Sell Real Property Filed by Robert Edwin Jacobsen (RE: related document(s) <u>38</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen. (bl,) (Entered: 08/09/2007)
08/09/2007	<u>44</u>	Order Granting Expedited Hearing on Motion to Sell Real Property (RE: related document(s) <u>41</u> Request for Expedited Hearing on Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen. (bl,) (Entered: 08/09/2007)
08/09/2007	<u>45</u>	Debtor's Exhibit and/or Witness List Filed by Robert Edwin Jacobsen (RE: related document(s) <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Rossini, William) Modified on 8/9/2007 (bl,). (Entered: 08/09/2007)

08/09/2007	<u>46</u>	Exhibit and/or Witness List Filed by John Sramek (RE: related document(s) <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen. Interested Party Robert Edwin Jacobsen. <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) (Entered: 08/09/2007)
08/09/2007	<u>47</u>	Exhibit and/or Witness List Filed by Timothy E. Carlson, C.P.A., a professional corporation (RE: related document(s) <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen. Interested Party Robert Edwin Jacobsen). (Johnson, John) (Entered: 08/09/2007)
08/09/2007	<u>48</u>	Certificate Of Mailing (RE: related document(s) <u>36</u> Order Dismissing Pleading Without Prejudice (RE: related document(s) <u>22</u> Creditors' Application for Rule 2004 Examination of Roger S. Moore filed by Creditor John Sramek). (bl.)). Service Date 08/09/2007. (Admin.) (Entered: 08/10/2007)
08/09/2007	<u>49</u>	Certificate Of Mailing (RE: related document(s) <u>37</u> Order Dismissing Pleading Without Prejudice (RE: related document(s) <u>23</u> Creditors' Application for Rule 2004 Examination of Custodian of Records for Quality Power & Sail, LLC filed by Creditor John Sramek). (bl.)). Service Date 08/09/2007. (Admin.) (Entered: 08/10/2007)
08/10/2007	<u>50</u>	Comment in Re: Trustee's Motion to Convert (Response in Support). Filed by Timothy E. Carlson, C.P.A., a professional corporation (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Johnson, John) (Entered: 08/10/2007)
08/10/2007	<u>51</u>	Objection Filed by Timothy E. Carlson, C.P.A., a professional corporation (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Johnson, John) (Entered: 08/10/2007)
08/10/2007	<u>52</u>	Objection Filed by Timothy E. Carlson, C.P.A., a professional corporation (RE: related document(s) <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Johnson, John) (Entered: 08/10/2007)

08/10/2007	<u>53</u>	Objection Filed by John Sramek (RE: related document(s) <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Attachments: # <u>1</u> Exhibit Exs A, B & C) (Lewis, John) (Entered: 08/10/2007)
08/10/2007	<u>54</u>	Exhibit and/or Witness List Filed by John Sramek (RE: related document(s) <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) (Entered: 08/10/2007)
08/11/2007	<u>55</u>	Certificate Of Mailing (RE: related document(s) Hearing Set <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen Hearing scheduled for 8/14/2007 at 11:45 AM at Plano Bankruptcy Courtroom. (sr,)), Service Date 08/11/2007. (Admin.) (Entered: 08/12/2007)
08/11/2007	<u>56</u>	Certificate Of Mailing (RE: related document(s) <u>43</u> Order Granting Expedited Hearing on Motion to Sell Real Property (RE: related document(s) <u>39</u> Request for Expedited Hearing on Motion to Sell Real Property Filed by Robert Edwin Jacobsen (RE: related document(s) <u>38</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen. (bl,)), Service Date 08/11/2007. (Admin.) (Entered: 08/12/2007)
08/11/2007	<u>57</u>	Certificate Of Mailing (RE: related document(s) <u>44</u> Order Granting Expedited Hearing on Motion to Sell Real Property (RE: related document(s) <u>41</u> Request for Expedited Hearing on Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen. (bl,)), Service Date 08/11/2007. (Admin.) (Entered: 08/12/2007)
08/13/2007	<u>58</u>	Objection Filed by Janna L. Countryman (RE: related document(s) <u>40</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Countryman, Janna) (Entered: 08/13/2007)
08/13/2007	<u>59</u>	ERROR - WRONG EVENT CODE - SEE DOC. 60 FOR CORRECTION: Motion <i>Withdrawing Motion to Sell Real Property and Motion for Expedited Hearing</i> Filed by Robert Edwin Jacobsen (RE: related document(s) <u>41</u> Request for Expedited Hearing on

		<i>Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>39</u> Request for Expedited Hearing on Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>38</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Rossini, William) Modified on 8/13/2007 (lc,). (Entered: 08/13/2007)</i>
08/13/2007	<u>60</u>	<i>Document Withdrawal Filed by Robert Edwin Jacobsen (RE: related document(s)<u>41</u> Request for Expedited Hearing Filed by Robert Edwin Jacobsen, <u>40</u> Motion to Sell Real Property filed by Debtor Robert Edwin Jacobsen, <u>39</u> Request for Expedited Hearing filed by Robert Edwin Jacobsen and <u>38</u> Motion to Sell Real Property Filed by Robert Edwin Jacobsen). (lc,) (Entered: 08/13/2007)</i>
08/15/2007	<u>61</u>	<i>Order Dismissing Motion for 2004 Examination (RE: related document(s)<u>31</u> Creditors' Application for Examination of Alise Malikyar Under Rule 2004 filed by Creditor John Sramek). (bl,) (Entered: 08/15/2007)</i>
08/15/2007	<u>62</u>	<i>First Meeting of Creditors Continued with Certificate of Service Filed by Janna L. Countryman 341(a) meeting to be held on 9/14/2007 at 09:00 AM at Plano 341 Meeting Room. (Countryman, Janna) (Entered: 08/15/2007)</i>
08/17/2007	<u>63</u>	<i>Certificate Of Mailing (RE: related document(s)<u>61</u> Order Dismissing Motion for 2004 Examination (RE: related document(s)<u>31</u> Creditors' Application for Examination of Alise Malikyar Under Rule 2004 filed by Creditor John Sramek). (bl,)). Service Date 08/17/2007. (Admin.) (Entered: 08/18/2007)</i>
08/22/2007	<u>64</u>	<i>Objection Filed by Robert Edwin Jacobsen (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Rossini, William) (Entered: 08/22/2007)</i>
08/23/2007		<i>Hearing Set (RE: related document(s)<u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman. Hearing scheduled for 9/12/2007 at 02:00 PM at Plano Bankruptcy Courtroom. (th,) (Entered: 08/23/2007)</i>
08/25/2007	<u>65</u>	<i>Certificate Of Mailing (RE: related document(s) Hearing Set (RE: related document(s)<u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman. Hearing scheduled for 9/12/2007 at 02:00 PM at Plano Bankruptcy Courtroom. (th,)).</i>

		Service Date 08/25/2007. (Admin.) (Entered: 08/26/2007)
08/29/2007		Continued Chapter 13 Confirmation Hearing Confirmation hearing to be held on 10/17/2007 at 09:30 AM at Plano Bankruptcy Courtroom. (sd,) (Entered: 08/29/2007)
09/06/2007	<u>66</u>	Amended Objection Filed by Robert Edwin Jacobsen (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Rossini, William) (Entered: 09/06/2007)
09/06/2007	<u>67</u>	Exhibit and/or Witness List Filed by Robert Edwin Jacobsen (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # <u>1</u> Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # <u>1</u> Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Attachments: # <u>1</u> Exhibit Exhibit D-A# <u>2</u> Exhibit Exhibit DB# <u>3</u> Exhibit Exhibit D-C# <u>4</u> Exhibit Exhibit D-D# <u>5</u> Exhibit Exhibit D-E# <u>6</u> Exhibit Exhibit D-F# <u>7</u> Exhibit Exhibit D-G# <u>8</u> Exhibit Exhibit D-H# <u>9</u> Exhibit Exhibit D-I# <u>10</u> Exhibit Exhibit D-J# <u>11</u> Exhibit Exhibit D-K# <u>12</u> Exhibit Exhibit D-L# <u>13</u> Exhibit Exhibit D-M# <u>14</u> Exhibit Exhibit D-N# <u>15</u> Exhibit Exhibit D-O# <u>16</u> Exhibit Exhibit D-P# <u>17</u> Exhibit Exhibit D-Q) (Rossini, William) (Entered: 09/06/2007)
09/06/2007	<u>68</u>	Exhibit and/or Witness List Filed by John Sramek (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman, <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) (Entered: 09/06/2007)
09/06/2007	<u>69</u>	Exhibit and/or Witness List Filed by John Sramek (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman, <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) (Entered: 09/06/2007)

09/06/2007	<u>70</u>	Exhibit and/or Witness List Filed by Timothy E. Carlson, C.P.A., a professional corporation (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman, <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Johnson, John) (Entered: 09/06/2007)
09/07/2007	<u>71</u>	Objection Filed by John Sramek (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) (Entered: 09/07/2007)
09/07/2007	<u>72</u>	Affidavit Filed by John Sramek (RE: related document(s) <u>71</u> Objection Filed by John Sramek (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Lewis, John) filed by Creditor John Sramek). (Lewis, John) (Entered: 09/07/2007)
09/07/2007	<u>73</u>	Request for Judicial Notice Re: Objection of Parties in Interest to Debtor's Motion to Dismiss and Memorandum in Support of Trustee's Motion to Convert this Case to Chapter 7 Filed by John Sramek (Attachments: # <u>1</u> Exhibit First Amended Complaint# <u>2</u> Exhibit Order Deeming Admitted Truth of Facts# <u>3</u> Exhibit Order Granting Summary Adjudication) (Lewis, John) Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # <u>1</u> Proposed Order) (Countryman, Janna) Receipt Number 40048267, Fee Amount:25 (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case filed by Trustee Janna L. Countryman). (jc,) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # <u>1</u> Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) Modified on 9/11/2007 (bl,). (Entered: 09/07/2007)
09/07/2007		HEARING CONTINUED by the Court for a special setting (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen , AND <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman . Hearing scheduled for 9/27/2007 at 02:00 PM at Plano Bankruptcy Courtroom. 2 Hours Allotted For This Hearing. (sd,) (Entered: 09/07/2007)

09/09/2007	<u>74</u>	Certificate Of Mailing (RE: related document(s) HEARING CONTINUED by the Court for a special setting (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen , AND <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman . Hearing scheduled for 9/27/2007 at 02:00 PM at Plano Bankruptcy Courtroom. 2 Hours Allotted For This Hearing. (sd,). Service Date 09/09/2007. (Admin.) (Entered: 09/09/2007)
09/12/2007	<u>75</u>	Joinder in Support of Chapter 13 Trustee's Motion to Convert Case to Chapter 7 Filed by John Sramek (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Lewis, John) Modified on 9/12/2007 (bl,). (Entered: 09/12/2007)
09/21/2007		First Meeting of Creditors Not Held and to be reset Filed by Janna L. Countryman (Countryman, Janna) (Entered: 09/21/2007)
09/27/2007		Hearing Continued (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen (Attachments: # (1) Proposed Order Granting Debtor's Motion to Dismiss) (Rossini, William) filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen, <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). Hearing scheduled for 11/21/2007 at 10:00 AM at Plano Bankruptcy Courtroom. (sd,) (Entered: 09/28/2007)
10/08/2007	<u>76</u>	Joint Notice of Transfer of Claim with Waiver in the amount of \$20587.32 Claim Number 1 Filed by eCAST FOB Wells Fargo (Bass, Patti) (Entered: 10/08/2007)
10/09/2007	<u>77</u>	First Meeting of Creditors Continued Filed by Janna L. Countryman 341(a) meeting to be held on 11/8/2007 at 10:00 AM at Plano 341 Meeting Room. (Countryman, Janna) (Entered: 10/09/2007)
10/10/2007	<u>78</u>	Request for Notices Filed by eCAST FOB Wells Fargo (Bass, Patti) (Entered: 10/10/2007)
10/16/2007	<u>79</u>	Certificate of Notice of Rescheduled Meeting of Creditors Filed By William Paul Rossini Filed by on behalf of Robert Edwin Jacobsen (Rossini, William) (Entered: 10/16/2007)
10/17/2007		Continued Chapter 13 Confirmation Hearing Confirmation hearing to be held on 12/12/2007 at 09:30 AM at Plano Bankruptcy Courtroom. (sd,) (Entered: 10/18/2007)

10/18/2007	<u>80</u>	Comment in Re: <i>Opposing Debtor's Motion to Dismiss and Supporting Chapter 13 Trustee's Motion to Convert Case to Chapter 7</i> Filed by US Trustee (RE: related document(s) <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Janna L. Countryman (Attachments: # (1) Proposed Order) (Countryman, Janna) filed by Trustee Janna L. Countryman). (Salitore, Marcus) (Entered: 10/18/2007)
10/24/2007	<u>81</u>	Motion to Quash Filed by Alise Malikyar (Attachments: # <u>1</u> Proposed Order # <u>2</u> Notice of Motion to Quash Subpoena# <u>3</u> Memorandum of Points and Authorities) (bl,) (Entered: 10/25/2007)
11/01/2007		Hearing Set (TELEPHONIC) (RE: related document(s) <u>81</u> Motion to Quash Filed by Alise Malikyar Telephonic Hearing scheduled for 11/8/2007 at 04:10 PM at TELEPHONIC HEARING LOCATION. (sr,) (Entered: 11/01/2007)
11/03/2007	<u>82</u>	Certificate Of Mailing (RE: related document(s) <i>Hearing Set (TELEPHONIC)</i> (RE: related document(s) <u>81</u> Motion to Quash Filed by Alise Malikyar Telephonic Hearing scheduled for 11/8/2007 at 04:10 PM at TELEPHONIC HEARING LOCATION. (sr,)). Service Date 11/03/2007. (Admin.) (Entered: 11/04/2007)
11/08/2007		Hearing Held: Motion granted. Order Due to be filed by: Bill Rossini (RE: related document(s) <u>81</u> Motion to Quash Filed by Alise Malikyar (Attachments: # (1) Proposed Order # (2) Notice of Motion to Quash Subpoena# (3) Memorandum of Points and Authorities) (bl,) filed by Interested Party Alise Malikyar). Order Due 11/19/2007. (sd,) (Entered: 11/08/2007)
11/15/2007		First Meeting of Creditors Not Held <i>and to be reset</i> Filed by Janna L. Countryman (Countryman, Janna) (Entered: 11/15/2007)
11/20/2007		Proposed Order or Judgment Submitted At Court's Direction RE: <u>81</u> Motion to Quash UPLOADED 2007-11-20 18:31:09.0 (Entered: 11/20/2007)
11/26/2007	<u>83</u>	Order Quashing Subpoena(RE: related document(s) <u>81</u> Motion to Quash Filed by Alise Malikyar). (slt,) (Entered: 11/26/2007)
11/28/2007		Proposed Order or Judgment Submitted At Court's Direction RE: <u>33</u> Motion to Convert 13 Case to 7 (by Trustee/Creditor) UPLOADED 2007-11-28 14:24:54.0 (Entered: 11/28/2007)
11/28/2007	<u>84</u>	Certificate Of Mailing (RE: related document(s) <u>83</u> Order Quashing Subpoena(RE: related document(s) <u>81</u> Motion to Quash Filed by Alise Malikyar). (slt,)). Service Date 11/28/2007. (Admin.) (Entered: 11/28/2007)

		11/29/2007)
11/30/2007	<u>85</u>	Joint Notice of Transfer of Claim with Waiver in the amount of \$33712.32 Number 5 To Portfolio Recovery Associates, LLC.POB 41067NORFOLK VA 23541 Filed by Portfolio Recovery Associates, LLC (Garcia, Dolores) (Entered: 11/30/2007)
12/05/2007	<u>86</u>	Memorandum Opinion And Order Granting Chapter 13 Trustee's Motion To Convert Case to Chapter 7 And Denying Debtor's Motion To Voluntarily Dismiss Chapter 13 Case. Trustee Janna L. Countryman removed from the case. Trustee Christopher Moser added to the case. (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen and <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Trustee Janna L. Countryman). (lc,) (Entered: 12/05/2007)
12/05/2007		First Meeting of Creditors 341(a) meeting to be held on 12/28/2007 at 01:45 PM at Plano Centre. Last day to oppose discharge is 2/26/2008. (lc,) (Entered: 12/05/2007)
12/07/2007	<u>87</u>	Notice of Transfer of Claim in the amount of \$21958.86 Claim Number 9 Filed by eCAST Settlement Corporation (Becket, Alane) (Entered: 12/07/2007)
12/07/2007	<u>88</u>	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) First Meeting of Creditors 341(a) meeting to be held on 12/28/2007 at 01:45 PM at Plano Centre. Last day to oppose discharge is 2/26/2008. (lc,)). Service Date 12/07/2007. (Admin.) (Entered: 12/08/2007)
12/07/2007	<u>89</u>	Certificate Of Mailing (RE: related document(s) <u>86</u> Memorandum Opinion And Order Granting Chapter 13 Trustee's Motion To Convert Case to Chapter 7 And Denying Debtor's Motion To Voluntarily Dismiss Chapter 13 Case. Trustee Janna L. Countryman removed from the case. Trustee Christopher Moser added to the case. (RE: related document(s) <u>34</u> Debtor's Motion to Dismiss Chapter 13 Case Filed by Robert Edwin Jacobsen and <u>33</u> Motion to Convert Chapter 13 Case to Chapter 7 Case. Filed by Trustee Janna L. Countryman). (lc,)). Service Date 12/07/2007. (Admin.) (Entered: 12/08/2007)
12/12/2007	<u>90</u>	Request for Notices Filed by WELLS FARGO BANK (Rogers, Dustin) (Entered: 12/12/2007)
12/12/2007	<u>91</u>	Certificate Of Mailing (RE: related document(s) <u>87</u> Notice of Transfer of Claim in the amount of \$21958.86 Claim Number 9 Filed by eCAST Settlement Corporation (Becket, Alane) filed by Creditor eCAST Settlement Corporation). Service Date 12/12/2007. (Admin.)

		(Entered: 12/13/2007)
12/14/2007	<u>92</u>	Motion to Reconsider <i>Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case to Chapter 7 and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case</i> Filed by Robert Edwin Jacobsen).(Attachments: # <u>1</u> Proposed Order) (RE: related document(s) <u>86</u> Order Converting Case to Chapter 7.,). (Rossini, William) Additional attachment(s) added on 12/17/2007 (bl,). Modified on 12/17/2007 (bl, (Entered: 12/14/2007)
12/18/2007	<u>93</u>	Amended Motion to Reconsider <i>Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case to Chapter 7 and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case</i> Filed by Robert Edwin Jacobsen (RE: related document(s) <u>92</u> Motion to Reconsider <i>Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case to Chapter 7 and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case</i> Filed by Robert Edwin Jacobsen).(Attachments: # <u>1</u> Proposed Order) (RE: related document(s) <u>86</u> Order Converting Case to Chapter 7.,). (Rossini, William) Additional attachment(s) added on 12/17/2007 (bl,). Modified on 12/17/2007 (bl, (Entered: 12/18/2007)
12/19/2007	<u>94</u>	Application to Serve as Attorney for Trustee Filed by Christopher Moser (Attachments: # <u>1</u> Exhibit A# <u>2</u> Proposed Order) (Levick, Larry) (Entered: 12/19/2007)
01/02/2008	<u>95</u>	Order Pursuant to Section 327(a) of the Bankruptcy Code Authorizing the Employment of Singer & Levick, P.C.(RE: related document(s) <u>94</u> Application to Serve as Attorney for Trustee filed by Trustee Christopher Moser). (bl,) (Entered: 01/02/2008)
01/02/2008		Meeting of Creditors Continued Filed by Christopher Moser 341(a) meeting to be held on 1/15/2008 at 03:00 PM at Plano Centre. (Moser, Christopher) (Entered: 01/02/2008)
01/03/2008	<u>96</u>	Objection Filed by Christopher Moser (RE: related document(s) <u>93</u> Amended Motion to Reconsider <i>Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case to Chapter 7 and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case</i> Filed by Robert Edwin Jacobsen (RE: related document(s) <u>92</u> Motion to Reconsider <i>Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case to Chapter 7 and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case</i> Filed by Robert Edwin Jacobsen).(Attachments: # (1) Proposed Order) (RE: related document(s) <u>86</u> Order Converting Case to Chapter 7.,). (Rossini, William) Additional attachment(s) added on 12/17/2007 (bl,). Modified on 12/17/2007 (bl, filed by Debtor Robert Edwin Jacobsen, Interested Party Robert Edwin Jacobsen). (Levick,

		Larry) (Entered: 01/03/2008)
01/04/2008	<u>97</u>	Certificate Of Mailing (RE: related document(s) <u>95</u> Order Pursuant to Section 327(a) of the Bankruptcy Code Authorizing the Employment of Singer & Levick, P.C.(RE: related document(s) <u>94</u> Application to Serve as Attorney for Trustee filed by Trustee Christopher Moser). (bl,)). Service Date 01/04/2008. (Admin.) (Entered: 01/05/2008)
01/15/2008	<u>98</u>	Unredacted Transcript Received Re: Hearing Held 9/27/2007. Any request for redaction of the received transcript by any party must be filed within seven days of this entry. Per Judicial Conference policy, no transcript will be docketed into the public database for a period of 90 days from the date of this Notice. Redaction Request Due By: 1/23/2008.Proposed Redactions Due to Transcriber By: 2/13/2008. (th,) (Entered: 01/15/2008)
01/15/2008	<u>99</u>	Unredacted Transcript Received Re: Hearing Held 11/21/7. Any request for redaction of the received transcript by any party must be filed within seven days of this entry. Per Judicial Conference policy, no transcript will be docketed into the public database for a period of 90 days from the date of this Notice. Redaction Request Due By: 1/23/2008.Proposed Redactions Due to Transcriber By: 2/13/2008. (th,) (Entered: 01/15/2008)
01/16/2008	<u>100</u>	Notice of Appearance by (Attorney: Ginger Colville) Filed by Ford Motor Credit Company LLC (Colville, Ginger) (Entered: 01/16/2008)
01/17/2008		Meeting of Creditors Continued (RE: related document(s) Meeting of Creditors Continued Filed by Christopher Moser 341(a) meeting to be held on 1/15/2008 at 03:00 PM at Plano Centre. (Moser, Christopher) filed by Trustee Christopher Moser). Filed by Christopher Moser 341(a) meeting to be held on 3/14/2008 at 08:30 AM at Plano Centre. (Moser, Christopher) (Entered: 01/17/2008)
01/30/2008	<u>101</u>	Order Denying Motion for Rehearing (RE: related document(s) <u>93</u> Amended Motion to Reconsider filed by Debtor Robert Edwin Jacobsen). (bl,) (Entered: 01/30/2008)
02/01/2008	<u>102</u>	Certificate Of Mailing (RE: related document(s) <u>101</u> Order Denying Motion for Rehearing (RE: related document(s) <u>93</u> Amended Motion to Reconsider filed by Debtor Robert Edwin Jacobsen). (bl,)). Service Date 02/01/2008. (Admin.) (Entered: 02/02/2008)

EOD

01/30/2008

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
ROBERT EDWIN JACOBSEN,	§	Case No. 07-41092
	§	(Chapter 7)
Debtor.	§	

ORDER DENYING MOTION FOR REHEARING

This matter is before the Court on the Motion for Rehearing (the "Motion") filed by Robert Edwin Jacobsen (the "Debtor") on December 14, 2007 and amended on December 18, 2007 [Dkt Nos. 92 and 93].¹ In the Motion, the Debtor requests that the Court reconsider its Memorandum Opinion and Order Granting Chapter 13 Trustee's Motion to Convert Case and Denying Debtor's Motion to Voluntarily Dismiss Chapter 13 Case entered on December 5, 2007 [Dkt. No. 86]. On January 3, 2008, the Chapter 7 trustee filed a response to the Motion in which he opposed the relief requested by the Debtor.

The Debtor filed the Motion prior to the deadline under Rule 59(e) of the Federal Rules of Civil Procedure. *See* FED. R. BANKR. P. 9006(a). Although the Motion does not contain any citation to Federal Rule 59(e) or any discussion of the grounds for relief under Federal Rule 59(e), the Fifth Circuit has instructed that courts should construe a "motion to reconsider" filed within 10 days of the underlying judgment or order that it challenges as a motion for relief under Federal Rule 59(e) – regardless of its label. *See, e.g., Harcon Barge Co. v. D & G Boat Rentals, Inc.*, 784 F.2d 665, 668 (5th Cir. 1986) (en banc). Indeed, even motions captioned under Federal Rule 60(b), but filed within 10

¹ The amended Motion contains twenty-day negative notice language, *see* LBR 9007, which was omitted from the original Motion. The amended Motion is otherwise identical to the original Motion.

days of the underlying judgment or order, are normally deemed Federal Rule 59(e) motions and reviewed under the less restrictive standards of Federal Rule 59(e). *See, e.g., Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 68 (1982) (citing *Woodham v. American Cystoscope Co.*, 335 F.2d 551 (5th Cir. 1964)).

Motions to alter or amend a judgment under Federal Rule 59(e) “serve the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence.” *Waltman v. Int’l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989) (citations omitted). A Federal Rule 59(e) motion should not be granted unless there is: (1) an intervening change in controlling law; (2) new evidence not previously available; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice. *See, e.g., Schiller v. Physicians Resource Group, Inc.*, 342 F.3d 563, 567 (5th Cir. 2003); *Russ v. Int’l Paper Co.*, 943 F.2d 589, 593 (5th Cir. 1991). Here, the Debtor does not seek to establish an intervening change in the law or to present to evidence. Rather, the Debtor asserts in the Motion that the Court erred in its legal analysis of 11 U.S.C. §1307(b) and (c) and in its conclusion that the Debtor acted in bad faith.

The Court, having reviewed Motion, the Chapter 7 trustee’s objections to the Motion, as well as the record in this case, finds that the Debtor has failed to establish grounds for relief from the Order under Federal Rule 59(e). The Motion is based on arguments that were made, or could have been made, at the hearing on the Chapter 13 trustee’s motion to convert. Moreover, the Court did not “graft” a good faith requirement onto §1307(b), as the Debtor seems to argue in the Motion, but granted the Chapter 13 trustee’s motion to convert the Debtor’s case based on §1307(c). With respect to the interplay between §1307(b) and §1307(c), the Southern District of Texas has similarly

concluded that a debtor does not have an absolute right to dismiss under §1307(b), *see In re Fonke*, 310 B.R. 809, 813 (Bankr. S.D. Tex. 2004), and the Northern District of Texas addressed a similar issue in the context of §1208(b), the language of which is identical to §1307(b). *See In re Foster*, 121 B.R. 961 (N.D. Tex. 1990), *aff'd without opinion*, 945 F.2d 400 (5th Cir. 1991).

Signed on 1/30/2008

Brenda T. Rhoades MD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

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William Paul Rossini
Rossini & Wagner PC
1201 Main Street
Suite 2470
Dallas, TX 75202

027229 27229 1 MB 0.360 94610 3 4 5893-1-27229



John Sramek
c/o Harold Jaffe, Attorney
3521 Grand Avenue
Oakland, CA 94610-2011

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Official Form 7
(04/07)UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

In re: Robert Edwin Jacobsen

Case No. 07-41092
(if known)

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of businessNone
☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$17,000.00	Year-to-Date, 2007:
\$78,200.00	2006; Self-employed; real estate investment and property management, sailboat charter and crewed chartering
\$20,600.00	2005; Self-employed; real estate investment and property management, sailboat charter and crewed chartering

2. Income other than from employment or operation of businessNone
☐

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$36,800.00	2006; rents from residential real property owned by Debtor
\$14,100.00	Year-to-date 2007
\$44,550.00	2005; rents from residential real property owned by Debtor

3. Payments to creditors*Complete a. or b., as appropriate, and c.*None
☐

a. Individual or joint debtor(s) with primarily consumer debts: List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within 90 days immediately preceding the commencement of this case if the aggregate value of all property that constitutes or is affected by such transfer is not less than \$600. Indicate with an asterisk (*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
Ford Motor Credit PO Box 7172 Pasadena, CA 91109-7172	monthly note payments	\$2,339.79	
Citi Mortgage Inc. PO Box 6006 The Lakes NV 88901-6006	monthly note payments	\$1,800.00	
Aurora Loan Services 10350 Park Meadows Drive Littleton, CO 80125	monthly note payments	\$729.99	
Lexus Financial Services PO Box 0114 City of Industry, CA 91716-0144	monthly note payments	\$2,490.00	

EXHIBIT C

Official Form 7 - Cont.
(04/07)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In re: **Robert Edwin Jacobsen**

Case No. **07-41092**
(if known)

STATEMENT OF FINANCIAL AFFAIRS
Continuation Sheet No. 1

**Aurora Loan Services
10350 Park Meadows Drive
Littleton, CO 80124**

**monthly note
payments \$2,216.97**

None ☒ b. Debtor whose debts are not primarily consumer debts: List each payment or other transfer to any creditor made within 90 days immediately preceding the commencement of the case if the aggregate value of all property that constitutes or is affected by such transfer is not less than \$5,475. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☒ c. All debtors: List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
John Sramek and Bernadette Sramek v. Robert E. Jacobsen, et al.	Civil cause of action alleging, inter alia, real estate fraud.	The Superior Court of California, Contra Costa County; Case No. C06-00162; a hearing on remand may be pending	Stayed against Debtor; trial pending against the other Defendants.
Robert Jacobsen v. Amie Green	Civil suit for defalcation and conversion in a fiduciary capacity.	District Court in Collin County	pending

None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

5. Repossessions, foreclosures and returns

None ☒ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

6. Assignments and receiverships

None ☒ a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☒ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)